

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

GORDIAN MEDICAL, INC.,

Plaintiff,

vs.

LANIER M. CANSLER, Secretary of  
the North Carolina Department of Health  
and Human Services, in his official  
capacity; CRAIGAN L. GRAY,  
Director, Division of Medical  
Assistance, North Carolina Department  
of Health and Human Services, in his  
official capacity; and TARA R.  
LARSON, Chief Clinical Operations  
Officer, Division of Medical Assistance,  
North Carolina Department of Health  
and Human Services, in her official  
capacity,

Defendants.

Civil Action No. 5:10-CV-45-F

**WAIVER OF SERVICE OF**  
**SUMMONS EXECUTED**

Pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, Plaintiff Gordian Medical, Inc. ("Gordian Medical") hereby files the Waiver of Service of Summons executed by Defendant Lanier M. Cansler, attached hereto as Exhibit 1. Counsel for Gordian Medical sent the Request for Waiver of Service to Defendant Cansler on February 10, 2010.

Respectfully submitted this, the 9<sup>th</sup> day of March, 2010.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Stephen D. Martin

Wallace C. Hollowell, III

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Second Floor

Raleigh, NC 27612

Telephone: (919) 877-3800

Facsimile: (919) 877-3799

*Counsel for Plaintiff Gordian Medical, Inc.*

## CERTIFICATE OF SERVICE

I, the undersigned attorney of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Plaintiff Gordian Medical, Inc., do hereby certify that on March 9, 2010, I have mailed the document to the following non CM/ECF participant:

Attorney General Roy Cooper  
North Carolina Department of Justice  
9001 Mail Service Center  
Raleigh, NC 27699-9001

Lanier M. Cansler, Secretary  
N.C. Department of Health and Human Services  
2001 Mail Service Center  
Raleigh, NC 27699-2001

Craig L. Gray, Director  
Division of Medical Assistance  
N.C. Department of Health and Human Services  
2501 Mail Service Center  
Raleigh, NC 27699-2501

Tara R. Larson  
Chief Clinical Operations Officer  
Division of Medical Assistance  
N.C. Department of Health and Human Services  
2501 Mail Service Center  
Raleigh, NC 27699-2501

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ Stephen D. Martin

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Facsimile: (919) 877-3799

*Counsel for Plaintiff Gordian Medical, Inc.*

**WAIVER OF SERVICE OF SUMMONS**

TO: Wallace C. Hollowell, III

I acknowledge receipt of your request that I waive service of a summons in the action of *Gordian Medical, Inc. v. Lanier M. Cansler, et al.*, which is case number 5:10-cv-45 in the United States District Court for the Eastern District of North Carolina. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

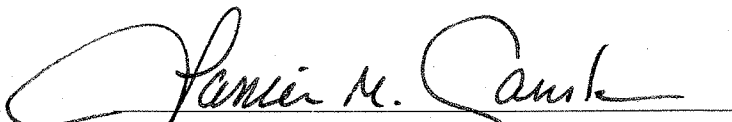
I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after February 10, 2010, or within 90 days after that date if the request was sent outside the United States.

Date: \_\_\_\_\_

3/8/10



Lanier M. Cansler, Secretary  
N.C. Department of Health and Human Services

EXHIBIT

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